

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:15-cv-00575-MOC

MALCOLM SPRINGS, )  
)  
Petitioner, )  
)  
v. )  
)  
UNITED STATES OF AMERICA, )  
)  
Respondent. )  
)

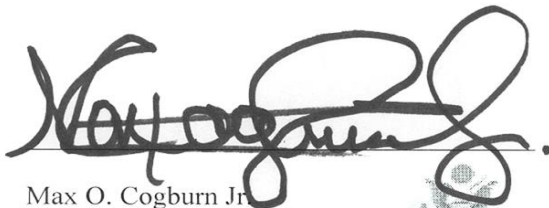
ORDER

**THIS MATTER** is before the Court on consideration of Petitioner's motion to stay this § 2255 proceeding pending disposition of two cases pending before the Fourth Circuit, each of which deals with the issue of whether common law robbery in North Carolina qualifies as a violent felony under the Armed Career Criminal Act, 18 U.S.C. § 924(e). See United States v. Gardner, Fourth Circuit No. 14-4533, and United States v. Billups, Fourth Circuit No. 14-4959. Petitioner contends that his § 2255 motion raises the same issue and that judicial resources would be preserved and the interests of justice would be served by a stay. Respondent does not oppose the motion. For the reasons stated in the motion, and for good cause shown, the motion will be granted.

**IT IS, THEREFORE, ORDERED** that Petitioner's motion to stay this § 2255 proceeding is **GRANTED**. (Doc. No. 8).

**SO ORDERED.**

Signed: May 10, 2016

  
Max O. Cogburn Jr.  
United States District Judge